

c-8.1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2817 /2006

PETITIONER

Kamrun Nisha Ali,
W/o Shri S. H. Ali,
aged about 50 years,
Occupation- Housewife,
R/o Talapara, Bilaspur
District- Bilaspur (C.G.)

P.R. No. 2829/06
Presented by Shri. Tapan Chandra Singh
dated 15/06/06

- Versus -

RESPONDENTS

1. Union of India,
Through Secretary, Department of
External Affairs, New Delhi.
2. The Secretary,
Department of Home, Govt. of India,
New Delhi.
3. State of Chhattisgarh,
Through the Secretary, Department
of Home, D. K. S. Bhawan, Mantralaya,
Raipur (C.G.).
4. Station House Officer,
Police Station - Chawni,
Bhilai, District- Durg (C.G.).
5. Shri Sahid Iqbal,
S/o Shri Sayyad Rajjak Ali,
Aged about 40 years, permanent
R/o Kurshipar, Bhilai, District- Durg,
At present resident of ' Sahid, P.O.
Box- 225, Bisha, KSA, Saudi Arabia.

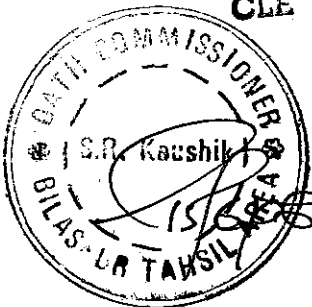
for
THAKUR VIJAY SINGH
Asst. Solicitor General of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)

RE

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for
15/6/06 BILASPUR



free

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF HABEAS CORPUS OR ANY OTHER APPROPRIATE WRIT OR DIRECTION FOR PRODUCTION OF THE CORPUS OF SMT. SAHINA KAUSER, DAUGHTER OF THE PETITIONER.

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

**CORAM : HON'BLE SHRI S.R.NAYAK, C.J.
AND HON'BLE SHRI D.R.DESHMUKH, J.**

WRIT PETITION NO.2817 OF 2006

Petitioner : Kamrun Nisha Ali, W/o Shri S.H.Ali,
aged about 50 years, Occupation –
Housewife, R/o Talapara, Bilaspur,
District – Bilaspur (C.G.)

Respondents **Versus** :
1. Union of India, Through Secretary,
Department of External Affairs, New
Delhi
2. The Secretary, Department of
Home, Govt. of India, New Delhi
3. State of Chhattisgarh, Through the
Secretary, Department of Home,
D.K.S. Bhawan, Mantralaya, Raipur
(C.G.)
4. Station House Officer, Police Station
– Chawni, Bhilai, District – Durg
(C.G.)
5. Shri Sahid Iqbal, S/o Shri Sayyad
Rajjak Ali, Aged about 40 years,
permanent R/o Kurshipar, Bhilai,
District – Durg, At present resident
of 'Sahid, P.O. Box – 225, Bisha,
KSA, Saudi Arabia.

Present : Mr. V.C.Ottalwar, learned counsel for the petitioner.
Mr. Bhishma Kinger, learned standing counsel for the Union of
India/respondents No.1 and 2.
Mr. Utkarsh Verma, learned Deputy Government Advocate for the
State of Chhattisgarh/respondents No.3 and 4.
None for respondent No.5.

ORAL ORDER

(Passed on 18th of July, 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J. :

The allegation of denial of liberty to the daughter of the petitioner is
primarily grounded on what the petitioner has learnt from one Hazi Sahib who is

unknown to the petitioner, a resident of Soudi Arabia, through a telephonic conversation with him through the telephone number 0096676224816. Except the said information, it is not even the case of the petitioner that the daughter of the petitioner has communicated her grievance to the petitioner directly or indirectly. The pleadings filed before the Court would show that in recent time the fifth respondent – son-in-law of the petitioner and the petitioner's daughter visited India in the month of February and stayed together with the petitioner till April, 2006. It is highly incredible that after their return in April, 2006, there could be any circumstance forcing the fifth respondent to deny liberty to his wife. Be that as it may, it is seen from the records that the petitioner has already brought the alleged confinement of his daughter by fifth respondent – son-in-law to the Home Ministry, Government of India. The petitioner has not disclosed even the whereabouts of the informer in the writ petition. In the circumstance, we do not think that keeping this writ petition on the file of this Court would serve any purpose. The writ petition is, therefore, disposed of. However, this order shall not come in the way of the petitioner making an appropriate representation to the concerned Ministry of the Government of India seeking their assistance if there is really any problem to his daughter at the hands of his son-in-law – fifth respondent.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge